

10-R-0347

10-R-0347

Entered - 12/2/09 - sb  
CL - 09L0964 - ANGELENA KELLY

CLAIM OF: David Locker  
4104 North Ivy Road  
Atlanta, GA 30342

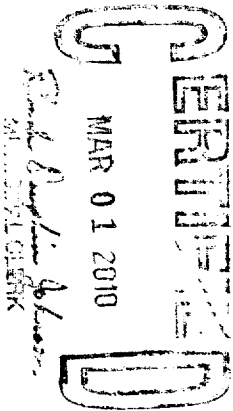
MAR 01 2010

For damages alleged to have been sustained as a result of driving over an unsecured construction cut on October 8, 2009 at 3993 North Ivy Road.

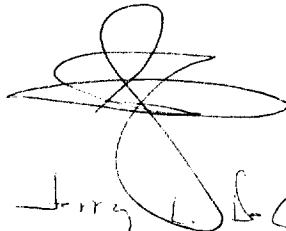
BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

AS SUBSTITUTED BY THE PUBLIC SAFETY  
AND LEGAL ADMINISTRATION COMMITTEE

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **David Locker** the sum of **\$1,687.95** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of driving over an unsecured construction cut on October 8, 2009 at 3993 North Ivy Road as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.



ADOPTED BY  
MAR 01 2010  
COUNCIL

  
Jerry L. Lockman  
Deputy City Atty

## FAVORABLE REPORT

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 2/23/10

CHAIR: [Signature]

[Signature]  
[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**10-R-0347**

**A RESOLUTION**

**BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **David Locker** the sum of \$ **1,687.95** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result of **driving over an unsecured construction cut on October 8, 2009 at 3993 North Ivy Road** as is more particularly set forth in the within claim; said sum taken from and charged to Account **5051/170201/5750002/4310000**.

A true copy,

Deputy Clerk

**ADOPTED by the Atlanta City Council  
APPROVED by Mayor Kasim Reed**

**MAR 01, 2010  
MAR 09, 2010**

10- R -0347

Entered – 12/2/09 - sb  
CL - 09L0964 - ANGELENA KELLY

CLAIM OF: David Locker  
4104 North Ivy Road  
Atlanta, GA 30342

For damages alleged to have been sustained as a result of driving over an unsecured construction cut on October 8, 2009 at 3993 North Ivy Road.

BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **David Locker** the sum of **\$1,687.95** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of driving over an unsecured construction cut on October 8, 2009 at 3993 North Ivy Road as is more particularly set forth in the within claim; said sum taken from and charged to account **5501.200301.5750002.1540000**.

APPROVED: **ROGER BHANDARI**  
**ACTING CITY ATTORNEY**

BY: \_\_\_\_\_

**JERRY L. DELOACH**  
**DEPUTY CITY ATTORNEY**

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 09L0964

Date: January 29, 2010

Claimant /Victim: David Locker

BY:(Atty)(Ins. Co.)

Address: 4104 North Ivy Road, Atlanta, GA 30342

Subrogation:            Claim for Property damage \$ 1,687.95 Bodily Injury \$           

Date of Notice: 11/16/09 Method: Written, proper X Improper           

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence: 10/8/09 Place: 3993 North Ivy Road

Department: Watershed Management Bureau:            Office: Wastewater Treatment and Collections

Employee involved:            Disciplinary Action:           

NATURE OF CLAIM: The claimant alleges that his vehicle was damaged when he drove over an unsecured construction cut. The investigation determined that although the City had no actual notice of any problems, the condition of the construction cut indicates the condition had existed for a length of time that notice of same is implied.

### INVESTIGATION:

Statements: City employee            Claimant            Others            Written            Oral           

Pictures X Diagrams            Reports: Police            Dept Report X Other           

Traffic citations issued: City Driver            Claimant Driver           

Citation disposition: City Driver            Claimant Driver           

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial           

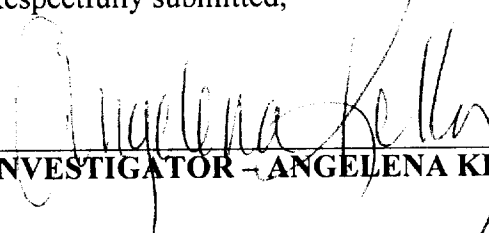
Improper Notice            More than Six Months            Other            Damages reasonable X

City not involved            Offer rejected            Compromise settlement           

Repair/replacement by Ins. Co.            Repair/replacement by City Forces           

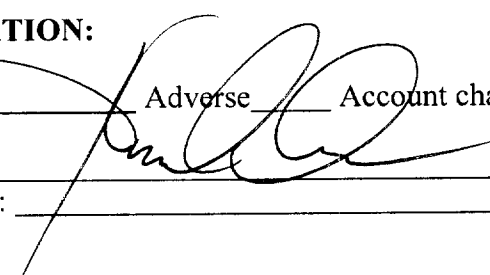
Claimant Negligent            City Negligent X Joint            Claim Abandoned           

Respectfully submitted,

  
INVESTIGATOR - ANGELENA KELLY

### RECOMMENDATION:

Pay \$ 1,687.95 Adverse            Account charged: General Fund            Water & Sewer X Aviation           

Claims Manager:  Concur/date 62/11/10

Committee Action:            Council Action

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, SW  
Atlanta, Georgia 30303

RECEIVED  
OFFICE OF  
MUNICIPAL CLERK

RE: CLAIM FOR DAMAGES

2009 NOV 16 PM 4:48 Date: November 11, 2009

ENTERED - 12-2-09 - SB  
09L0964 - A. KELLY

Dear Municipal Clerk:

This is to notify the City of Atlanta that I have suffered damages in the amount of \$ 1687.95 property and/or \$ nil bodily injury for which I contend the City is liable.

1. Date of incident: 10/8/2009 2. Time of incident: 9:25 PM 3. Police called: NO
4. Location of incident (including street address): 3993 North Ivy Rd NE, Atlanta, GA
5. Name of your insurance company: Travelers Policy No. 9844281381011
6. State what and how incident occurred: I was proceeding along N. Ivy coming from Wieuca Rd to my rear towards my home at 9104 N. Ivy Rd, when I struck a very deep and sharp pothole in the middle of my lane. I was on my way out of town the next week so the gentleman who cleans my vehicle took the vehicle to
7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle.  

Your vehicle: 2005 Jaguar Van Den Plas  
(Make) (Year) (Tag Number)

DAL David A Locker  
(Driver's Name)

City vehicle: n/a  
(Make) (City Driver's Name) (Department/Bureau)

none  
(Make) (City Driver's Name) (Department/Bureau)
9. Witness: none
10. The acknowledgement of this claim in no way waives the Sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
11. Claims must be received within 6 months from the date of the event.

I HEREBY SWEAR OR AFFIRM THAT THE  
ABOVE INFORMATION IS TRUE AND  
CORRECT.

Signature of Claimant

David A. Locker  
(Print Claimant's Name)

4104 North Ivy Road NE  
(Address)

Atlanta, GA 30342  
(City, State and Zip Code)

770-709-7701 404 323 6400  
(Work Number) (Home Number)

Gran Turismo for alignment and rotation. They indicated the control arms were damaged and car could not be aligned. I had the gentleman take the car to the dealer, Hennessy Jaguar who replaced the control arms and repaired the damaged wheel and aligned the vehicle

10- R -0347

RCS# 99  
3/01/10  
2:54 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 3  
EXCUSED: 2  
ABSENT 0

Y Smith	NV Archibong	Y Moore	E Bond
E Hall	Y Wan	NV Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

CONSENT I

		03-01-10
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE ON CONSENT
1. 10-O-0275 2. 10-O-0276 3. 10-O-0277 4. 10-O-0278 5. 10-O-0279 6. 10-O-0289 7. 10-O-0290 8. 10-O-0291 9. 10-O-0292 10. 10-O-0293 11. 10-O-0294 12. 10-O-0296 13. 10-O-0241 14. 10-O-0307 15. 10-R-0334 16. 10-R-0335 17. 10-R-0390 19. 10-R-0395 20. 10-R-0407 21. 10-R-0411 22. 10-R-0394 23. 10-R-0396 24. 10-R-0338 25. 10-R-0339 26. 10-R-0340 27. 10-R-0341 28. 10-R-0342 29. 10-R-0343 30. 10-R-0344 31. 10-R-0345 32. 10-R-0346 33. 10-R-0347 34. 10-R-0348 35. 10-R-0349	36. 10-R-0350 37. 10-R-0351 38. 10-R-0352 39. 10-R-0353 40. 10-R-0354 41. 10-R-0355	42. 10-R-0356 43. 10-R-0357 44. 10-R-0358 45. 10-R-0359 46. 10-R-0360 47. 10-R-0361 48. 10-R-0362 49. 10-R-0363 50. 10-R-0364 51. 10-R-0365 52. 10-R-0366 53. 10-R-0367 54. 10-R-0368 55. 10-R-0369 56. 10-R-0370 57. 10-R-0371 58. 10-R-0372 59. 10-R-0373 60. 10-R-0374 61. 10-R-0375 62. 10-R-0376 63. 10-R-0377 64. 10-R-0378 65. 10-R-0379 66. 10-R-0380 67. 10-R-0381 68. 10-R-0382 69. 10-R-0383 70. 10-R-0384 71. 10-R-0385